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DATE: April 17, 2007

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TO: Examiner Jerry L. Cumberledge
COMPANY: Group Art Unit 3733FAX NUMBER: 571-273-8300
PHONE NUMBER:

FROM: Douglas A. Collier

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RE: Response to Office Action for U.S. Patent Application No. 10/804,900 to J. Kenneth Burkus, et al.

COMMENTS: I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-8300 on:

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PTO/SB/21 (09-04)

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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/804,900
Filing Date	March 19, 2004
First Named Inventor	J. Kenneth Burkus, et al.
Art Unit	3733
Examiner Name	Jerry L. Cumberledge
Total Number of Pages in This Submission	21
Attorney Docket Number	MSDI-134/PC361.18

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Krieg DeVault LLP		
Signature			
Printed name	Douglas A. Collier		
Date	April 17, 2007	Reg. No.	43,658

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Douglas A. Collier	Date	April 17, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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APR 17 2007

Doc.936675

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)	Before the Examiner:
J. Kenneth Burkus et al.)	Jerry Cumberledge
Application Serial No. 10/804,900)	Group Art Unit:
)	3733
Filed: March 19, 2004)	Attorney Ref. No.:
METHODS AND INSTRUMENTATION FOR)	MSDI-134/PC361.18
VERTEBRAL INTERBODY FUSION)	
)	April 17, 2007

RESPONSE TO NON-FINAL OFFICE ACTION

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

In response to the non-final Office Action dated January 22, 2007, please enter and consider the following amendments and remarks. No fees or extensions of time are believed due for consideration of the same. However, please provide any extensions of time necessary and charge any fees which may be due to Deposit Account No. 12-2424, but not to include any payment of issue fees.

<p>I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-8300 on:</p> <p style="text-align: center;"><u>April 17, 2007</u> Date of Transmission</p> <p style="text-align: center;">Douglas A. Collier Name of Registered Representative</p> <p style="text-align: center;"><u>Douglas A. Collier</u> Signature</p> <p style="text-align: center;"><u>April 17, 2007</u> Date of Signature</p>
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Response to non-final Office Action
 Application Serial No. 10/804,900
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